

ASSEMBLY BILL

No. 966

Introduced by Assembly Member Yamada

February 18, 2011

An act to amend Section 9061 of the Health and Safety Code, relating to cemetery districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 966, as introduced, Yamada. Public cemetery districts: nonresident burial.

The Public Cemetery District Law specifies the procedures for the formation of public cemetery districts, procedures for the selection of the district board of trustees and officers, and the powers and duties of the board. That law limits interments in public cemetery district cemeteries to residents of the district and nonresidents who meet specified criteria.

This bill would allow a public cemetery district to expand the definition of an eligible nonresident to include a person who has a significant and ongoing involvement with institutions within the district, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 9061 of the Health and Safety Code is
- 2 amended to read:
- 3 9061. (a) A district may inter a person who is not a resident
- 4 of the district or a person who does not pay property taxes on

1 property located in the district in a cemetery owned by the district
2 if all of the following apply:

3 (1) The district has an endowment care fund that requires at
4 least the minimum payment set pursuant to Section 9065.

5 (2) The district requires the payment of a nonresident fee set
6 pursuant to Section 9068. A board of trustees may adopt a written
7 policy that permits waiving the payment of the nonresident fee for
8 a nonresident who had purchased an interment right while a
9 resident or a taxpayer.

10 (3) The person meets the conditions listed in one or more of
11 subdivisions (b) through (e).

12 (b) A person is an eligible nonresident pursuant to paragraph
13 (5) of subdivision (b) of Section 9060 if the person is a family
14 member of a person who is already interred in a cemetery owned
15 by the district or is a family member of a person who has acquired
16 interment rights in a cemetery owned by a district.

17 (c) A person is an eligible nonresident pursuant to paragraph
18 (5) of subdivision (b) of Section 9060 if all of the following apply:

19 (1) The person was a resident of the district or paid property
20 taxes on property located in the district for continuous period of
21 at least five years, a portion of which time period shall have
22 occurred within the 10 years immediately before the person's
23 death.

24 (2) The district receives a written request for the interment of
25 the person from a person who is a resident of the district or who
26 pays property taxes on property located within the district, and the
27 person submitting the written request is not a trustee, officer, or
28 employee of the district and is not a funeral director or an employee
29 of a funeral director.

30 (3) The board of trustees determines that the cemetery has
31 adequate space for the foreseeable future.

32 (d) A person is an eligible nonresident pursuant to paragraph
33 (5) of subdivision (b) of Section 9060 if all of the following apply:

34 (1) The person was a resident of this state at the time of death.

35 (2) There is no private cemetery within a straight-line radius of
36 15 miles of the person's residence.

37 (3) There is no private cemetery nearer to the person's residence
38 than the nearest cemetery owned by the district.

1 (4) The distances shall be measured in a straight line from the
2 person's residence to the nearest private cemetery and the nearest
3 cemetery owned by the district.

4 (e) A person is an eligible nonresident pursuant to paragraph
5 (5) of subdivision (b) of Section 9060 if all of the following apply:

6 (1) The person died while either:

7 (A) Serving in the Armed Forces or the active militia, or

8 (B) In the line of duty as a peace officer or firefighter.

9 (2) The board of trustees determines that the cemetery has
10 adequate space for the foreseeable future.

11 *(f) A public cemetery district may consider a person to be an*
12 *eligible nonresident pursuant to paragraph (5) of subdivision (b)*
13 *if both of the following apply:*

14 *(1) The person has a significant and ongoing involvement with*
15 *institutions within the district, including, but not limited to,*
16 *teaching in the schools, working for a city or county or city and*
17 *county in the district, or belonging to a house of worship in the*
18 *district.*

19 *(2) The board of trustees determines that the cemetery has*
20 *adequate space for the foreseeable future.*